

HOUSE No. 4527**The Commonwealth of Massachusetts**

PRESENTED BY:

James Dwyer*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act Relative to Repeat Domestic Violence Offenders.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
James Dwyer	30th Middlesex
Michael F. Rush	10th Suffolk
Bradley H. Jones, Jr.	20th Middlesex
Stephen L. DiNatale	3rd Worcester
Danielle W. Gregoire	4th Middlesex
Bruce E. Tarr	First Essex and Middlesex
Mary E. Grant	6th Essex
Joseph R. Driscoll, Jr.	5th Norfolk
Geraldine Creedon	11th Plymouth
James E. Timilty	Bristol and Norfolk
Michael Brady	9th Plymouth
Steven J. D'Amico	4th Bristol
James J. O'Day	14th Worcester District
Lida E. Harkins	13th Norfolk
James R. Miceli	19th Middlesex
Brian P. Wallace	4th Suffolk
Angelo J. Puppolo, Jr.	12th Hampden
Viriato Manuel deMacedo	1st Plymouth
Anne M. Gobi	5th Worcester

James Cantwell	4th Plymouth
Thomas P. Kennedy	Second Plymouth and Bristol
Benjamin Swan	11th Hampden
Ann-Margaret Ferrante	5th Essex
Thomas A. Golden, Jr.	16th Middlesex
Stephen M. Brewer	Worcester, Hampden, Hampshire and Franklin
Barry R. Finegold	17th Essex
William Lantigua	16th Essex

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

An Act Relative to Repeat Domestic Violence Offenders.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Chapter 265 of the General Laws is hereby amended by striking out section 13M and inserting in place thereof the following section:-

Section 13M. For the purposes of this section family or household members are persons:

(a) are or were married to one another;

(b) are or were residing together in the same household;

(c) are or were related by blood;

(d) having a child in common regardless of whether they have ever married or lived together;

(e) are or have been in a substantial dating or engagement relationship, which shall be adjudged by district, probate or Boston municipal courts with consideration of the following factors;

1. The length of time of the relationship;

2. The type of relationship;

3. The frequency of interaction between the parties;

4. If the relationship; has been terminated by either person, the length of time since the termination of the relationship.

For the purposes of this section family household members shall be referred to as domestic

(a) Whoever commits an assault or an assault and battery upon another defined as a “domestic” shall be punished by imprisonment for not more that 2 ½ years in a house of correction or

(b) By a fine of not more than \$1,000.

19 If a defendant has been previously convicted of a violation of this chapter or a violation of Chapter 209A
20 or a like offense by a court of the Commonwealth or any other jurisdiction 2 times the defendant shall be
21 punished by imprisonment for not less than 180 days not more than 2 ½ years in a house of correction or
22 by imprisonment in a state prison for not less than one year nor more than 5 years, provided however that
23 the sentence imposed upon such person shall not be reduced to less than 90 days, nor suspended that the
24 sentence imposed upon such a person shall not be reduced to less than 90 days, nor suspended, nor shall
25 any such person be eligible for probation, parole, or furlough or receive any deduction from his sentence
26 for good conduct until such person has served 90 days of said sentence. For any conviction of said
27 section, the court shall order the defendant to complete a certified batterer's intervention program unless,
28 for good cause shown, the court issues specific written findings describing the reasons that batterer's
29 intervention program should not be ordered.

30 If the defendant has been previously convicted of violation of this chapter or a violation of Chapter 209A
31 or a like offense by a court of the Commonwealth or any other jurisdiction, 3 times the defendant shall be
32 punished by imprisonment for not less than 1 year nor more than 2 ½ years in a house of correction or by
33 imprisonment in a state prison for not less than 1 year nor more than 10 years, provided however that the
34 sentence imposed upon such person shall not be reduced to less than 1 year, nor suspended, nor shall any
35 such person be eligible for probation, parole, or furlough or receive any deduction from his sentence for
36 good conduct until such person has served 1 year of said sentence.

37 If a defendant has been previously convicted of a violation of this chapter or a violation of Chapter 209A
38 or a like offense by a court of the Commonwealth or any other jurisdiction, 4 or more times the defendant
39 shall be punished by imprisonment for not less than 2 years nor more than 2 ½ years in a house of
40 correction or by imprisonment in a state prison for not less than 2 ½ years nor more than 10 years,
41 provided however that the sentence imposed upon such person shall not be reduced to less than 2 years,
42 nor suspended, nor shall any such person be eligible for probation, parole, or furlough or receive any
43 deduction from his sentence for good conduct until such person has served 2 years of said sentence.

44 This act shall take effect upon its passage.